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Attorneys for Plaintiff  
 LES JANKEY, an individual;

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

LES JANKEY, an individual,

Plaintiff,

v.

MILANO PIZZA; JOHN VOZAITIS and  
 DENISE VOZAITIS, TRUSTEES OF THE  
 JOHN and DENISE VOZAITIS  
 REVOCABLE LIVING TRUST dated  
 DECEMBER 20, 2007; and DENNIS  
 VOZAITIS, an individual dba MILANO  
 PIZZA,

Defendants.

**CASE NO. CV-09-2438-CW**

**STIPULATION OF DISMISSAL AND  
~~[PROPOSED]~~ ORDER THEREON**

The parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the Settlement Agreement and General Release (“Agreement”) herein, each party is to bear its own costs and attorneys’ fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement agreements).

Therefore, IT IS HEREBY STIPULATED by and between parties to this action through their designated counsel that the above-captioned action be and hereby is dismissed with prejudice

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STIPULATION OF DISMISSAL AND ~~[PROPOSED]~~ ORDER THEREON

1 pursuant to Federal Rules of Civil Procedure section 41(a)(1).

2 This stipulation may be executed in counterparts, all of which together shall constitute one  
3 original document.

4  
5 Dated: October 21, 2010

THOMAS E. FRANKOVICH  
*A PROFESSIONAL LAW CORPORATION*

6  
7 By: \_\_\_\_\_ /S/ Thomas E. Frankovich

8 \_\_\_\_\_  
Thomas E. Frankovich  
Attorney for LES JANKEY, an individual

9  
10  
11 Dated: \_\_\_\_\_, 2010

BRAVO & MARGULIES

12  
13  
14 By: \_\_\_\_\_

15 Joseph K. Bravo, Esq.  
16 Attorneys for JOHN VOZAITIS and DENISE  
17 VOZAITIS, TRUSTEES OF THE JOHN and  
18 DENISE VOZAITIS REVOCABLE LIVING  
TRUST dated DECEMBER 20, 2007; and DENNIS  
VOZAITIS

19  
20 **ORDER**

21 IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to  
22 Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for the  
23 purpose of enforcing the parties' Settlement Agreement and General Release should such  
24 enforcement be necessary.

25  
26 Dated: \_\_\_\_\_, 2010

27  
28 \_\_\_\_\_  
Honorable Judge Claudia Wilkin  
UNITED STATE DISTRICT JUDGE

STIPULATION OF DISMISSAL AND [~~PROPOSED~~] ORDER THEREON

1 pursuant to Federal Rules of Civil Procedure section 41(a)(1).

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THOMAS E. FRANKOVICH  
A PROFESSIONAL LAW CORPORATION

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7 By: \_\_\_\_\_  
8 Thomas E. Frankovich  
9 Attorney for LES JANKEY, an individual

10  
11 Dated: October 21, 2010

BRAVO & MARGULIES

12  
13 By: Joseph K. Bravo  
14 Joseph K. Bravo, Esq.  
15 Attorneys for JOHN VOZAITIS and DENISE  
16 VOZAITIS, TRUSTEES OF THE JOHN and  
17 DENISE VOZAITIS REVOCABLE LIVING  
18 TRUST dated DECEMBER 20, 2007; and DENNIS  
19 VOZAITIS

20 **ORDER**

21 IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to  
22 Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for the  
23 purpose of enforcing the parties' Settlement Agreement and General Release should such  
24 enforcement be necessary.

25 Dated: October 25, 2010

26  
27 Claudia Wilkin  
28 Honorable Judge Claudia Wilkin  
UNITED STATE DISTRICT JUDGE

STIPULATION OF DISMISSAL AND [PROPOSED] ORDER THEREON